

MARK A. LITMAN & ASSOCIATES, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventors We hereby declare that: our residence, post office address and citizenship are as stated below next to our name; that

We verily believe We are the original, joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **HISTOGRAM ADJUSTMENT FOR USE IN IMAGING TECHNOLOGIES**. The specification of which is attached hereto.

We hereby state that We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

We hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

We hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such applications have been filed.

We hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Litman, Mark A.

Reg. No. 26,390

We hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which We hereby declare that We have consented after full disclosure to be represented unless/until We instruct Mark A. Litman to the contrary.

Please direct all correspondence in this case to Mark A. Litman & Associates, P.A. at the address indicated below:

3209 West 76th St.
York Business Center, Suite 205
Edina, MN 55435
Telephone No. (952)832.9090

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Krzystof Antoni Zaklka
Citizenship: U.S.A.
Residence: 1849 Hillcrest Avenue
Post Office Address: Saint Paul, Minnesota 55116

Signature: _____ Date: _____

Full Name of joint inventor number 2: Mikhail Ivanovich Trifonov
Citizenship: Russia
Residence: Prospekt Geroev 64, Apartment 166
Post Office Address: Sosnovyi Bor, Leningrad Region, 188537, Russia

Signature: _____ Date: _____

Full Name of joint inventor number 3: Olga Vadimovna Sharonova
Citizenship: Russia
Residence: Zagrebskiy Boulevar, 39, Building 2, Apartment 44
Post Office Address: Saint Petersburg, 193078, Russia

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

ASSIGNMENT

WHEREAS, I, Krzysztof Antoni Zaklika, residing at 1849 Hillcrest Avenue, St. Paul, Minnesota 55116; Mikhail Ivanovich Trifonov, residing at Prospekt Geroev 64, Apartment 166, Sosnovyi Bor, Leningrad Region, 188537, Russia; and Olga Vadimovna Sharonova, residing at Zagrebskiy Boulevar, 39 Building 2, Apartment 44, St. Petersburg, 193078, Russia, made certain new and useful inventions and improvements for which I executed an application for Letters Patent of the United States on Even Date Herewith, which is entitled: HISTOGRAM ADJUSTMENT FEATURES FOR USE IN IMAGING TECHNOLOGIES.

AND WHEREAS, JASC Software, Inc. a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 7905 Fuller Road, Eden Prairie, Minnesota 55344 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this ____ day of _____, 2001.

Name: Krzysztof Zakilka

On this ____ day of _____, 2001 before me personally appeared Krzystof Zakilka to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth

[SEAL]

Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this ____ day of _____, 2001.

Name: Mikhail Trifonov

On this ____ day of _____, 2001 before me personally appeared Mikhail Trifonov to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this ____ day of _____, 2001.

Name: Olga Sharonova

STATE OF _____)
)ss.
COUNTY OF _____)

On this ____ day of _____, 2001 before me personally appeared Olga Sharonova to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

Notary Public
